

REMARKS

Applicant has amended claim 22 to return it to the condition existing immediately prior to the amendment dated February 21, 2006. This amendment essentially removes the added material in claim 22 which has been objected to by the examiner as not being supported by the specification. Accordingly, this amendment obviates the rejection under 35 U.S.C. Section 112.

The rejection of claims 39, 40, 42, and 43 under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam is traversed and reconsideration is requested. According to the examiner, "Jones discloses the claimed course with the exception the use of a substantially equal rectangular dimensions for each hole." This contention is not believed to be correct. Jones discloses a structure of a single hole in FIG. 1 and a combination of holes in FIG. 2A. The purpose of the single hole is to show how a hole can be laid out to introduce different hazards and different distances for players of different capabilities playing the same hole. The idea is to compensate for player ability by changing the hole rather than providing a handicap to the player.

FIGS. 2A and 3A shows a possible layout of holes constructed in accordance with FIG. 1. In this layout, the holes are of different lengths and different configurations and laid out in different angles across the course. There is no commonality between the holes in terms of length of the holes or particular hazards in the individual holes. Thus, the most that can be said for Jones is that it describes an arrangement for a particular golf hole in which there are separate tees that are so displaced as to compensate for differences in players' abilities in playing that particular hole. Other than that particular arrangement for a hole, the layout shown in Jones' FIG. 2A or FIG. 3A does not essentially deviate from conventional layouts of traditional golf courses.

According to the examiner, Jones discloses the claimed course with the exception of the use of a substantially equal rectangular dimension for each hole. The examiner then cites Beam as an illustration to show that the use of such an arrangement to save ground area is known. This contention is also traversed.

The Beam patent discloses a structure that is divided into a plurality of relatively narrow, substantially rectangular portions arranged in a grid-like pattern. Each of the portions is intended to represent a narrow slice of an approach area to a putting green on a conventional golf course. Accordingly, there is no suggestion that the concept embodied in Beam constitutes an entire hole of the type described in Jones or in applicant's course layout. More particularly, each of the approach areas in the Beam application have a different form with some of the approach areas being nothing more than an entire green for putting only. Note for example in FIG. 1, the hole designated as 18 and 8 in the grid layout. Both of those holes are greens for which the user would simply be applying a putter rather than any other club. As noted in column 3 of Beam, the area that is represented by each of the different blocks of the grid structure is intended to represent the area existing from about 120 yards from the green on a full size course. However, each of the grid structures vary from between about 16 yards to 120 yards in length and between about 6 yards and 16 yards in width. Accordingly, the structure as described by Beam is not conducive to anyone playing a conventional type of golf course. The grid structures even at their widest dimension of 50 feet or about 16 yards is much narrower than the width of any conventional golf course. Of course, this is to be understood since the intent of Beam is to construct a course which is a miniaturized course and can even be constructed within a building so that it could be used year-round in heated or air conditioned comfort.

Turning now specifically to claim 39 of applicant's application, the claim recites a plurality of repeated modular holes. As noted above with regard to Beam, there is no repetition in Beam since each of the holes may be different and because they are different, they are not necessarily modular as that term is used in applicant's specification. Claim 39 also recites that the repeated modular holes comprise a fairway having substantially the same length. The term "fairway" is well understood in the art and it is clear that Beam does not disclose a "fairway" in each modular hole. As noted above, at least two of the holes in Beam comprise nothing more than a putting green and do not even include what

is conventionally referred to as fairway. As used in most publications and by golfers, the fairway is the portion of each hole extending from teeing area to putting green. Accordingly, it is apparent that the combination of Jones and Beam fail to meet the modular hole construction set forth in claim 39.

Considering also the second paragraph of claim 39, there is nothing in Beam that would suggest a putting green located proximate a first end of each of the modular holes. Also considering the third paragraph of claim 39, Beam does not show at least one of the plurality of teeing areas positioned approximate a second end of each modular hole. Finally, there is no suggestion in Beam of having a plurality of repeated modular holes comprising an equal number of fairways and putting greens. Thus, it is clear that the combination of Jones and Beam fail to make obvious the invention as claimed by applicant.

Claims 40-48 all depend from claim 39 and are at least patentable for the reasons set forth above with regard to claim 39.

The examiner has rejected claims 22-28, 30, 32, 33 and 44 under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam and Shaw. The examiner again states that "Jones discloses the claimed course with the exception of the use of a substantially equal rectangular dimensions for each hole." As discussed above, Jones fails to meet several of the important aspects of applicant's invention. Initially, it is noted that Jones does not teach a plurality of repeated modular holes, each of the plurality of repeated modular holes contained within a rectangular boundary of substantially equal dimensions. With regard to Beam, Beam shows how a playing area can be constructed using grid-like arrangements of equal rectangular dimensions but each of the rectangular areas within the grid in Beam are different structures and thus are not repeated structures having teeing areas and putting greens and fairways within each of the rectangular areas. Accordingly, Beam does not teach a rectangular structure in which each of the areas comprise all of the necessary requisites of a conventional golf hole.

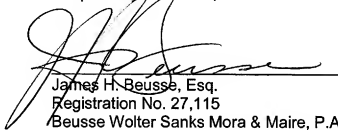
The examiner has suggested that it would have been obvious to one of ordinary skill in the art to provide Jones' holes in the same manner as in applicant if it was desired to provide a more compact golf course. However, it is not seen how one could go from the construction of a hole set as laid out by Jones to a hole set as laid out in applicant's claims. The holes described by Jones are each different in terms of difficulty, complexity and length. Without applicant's teaching, there is no suggestion in Jones of making each of the holes fit within a common rectangular dimension. Certainly Beam does not even begin to show the construction of a golf course having conventional holes in which the holes are arranged in a grid-like modular pattern. Beam simply takes the approach area to putting greens of miniaturized holes and divides those up into a grid structure in which some of the elements of a hole are located in one grid while other grids may have other elements of a hole. It is not even apparent in Beam that there is a teeing area as that term is conventionally used in the golf world since the intent is to provide for a pitching and chipping type of course representing only the last 120 yards of a conventional golf course. Thus, there is no suggestion in Beam of converting his concept of a grid structure into a conventional golf course.

Applicant's invention is intended to minimize the cost of construction of a conventional golf course by doing a pre-design of golf holes to create a modular design such that each modular golf hole can be set down side by side with other modular holes with only minor changes in each hole to create a complete golf course without having huge expense in architectural and design work to create the course. There is no teaching or suggestion in the prior art of creating a golf course using applicant's concept. Accordingly, it is submitted that claims 22-28, 30, 32, 33 and 44 are clearly distinguishable over the combination of Jones in view of Beam and Shaw and therefore in condition for allowance.

The remaining claims 29, 35-37, 41, 45, 46, and 48 are all deemed to be patentably distinguishable over the art of record in view of the arguments set forth above with regard to independent claims 22 and 39. Accordingly, all the

claims now pending in this application are deemed to be in form for allowance and such allowance is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James H. Beusse', is written over a horizontal line.

James H. Beusse, Esq.

Registration No. 27,115

Beusse Wolter Sanks Mora & Maire, P.A.

390 North Orange Avenue, Suite 2500

Orlando, Florida 32801

Telephone: (407) 926-7701

Facsimile: (407) 926-7720